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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/031,263 | 10/19/2001 | Robert W. Monster | 109888-130239 | 5037 |

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EXAMINER

JACKSON, JAKIEDA R

ART UNIT PAPER NUMBER

2655

DATE MAILED: 12/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------|--------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/031,263 | MONSTER, ROBERT W. | |
| | Examiner | Art Unit | |
| | Jakieda R. Jackson | 2655 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/19/01 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1-9 and 12-20** are rejected under 35 U.S.C. 102(e) as being anticipated by Berstis et al. (USPN 6,901,367), hereinafter referenced as Berstis.

Regarding **claims 1 and 12**, Berstis discloses a method and apparatus comprising:

determining, as part of an electronic mail generation system, a preferred language (figure 4, element 403);

writing header information to an electronic mail message based on the preferred language (figure 4, element 409 with desired language; column 4, lines 24-34 and column 7, lines 13- 18 with column 8, lines 17-23); and

writing a body to the electronic mail message (column 7, lines 19-21).

Regarding **claims 2 and 13**, Berstis discloses a method and apparatus comprising sending the electronic mail message to an electronic mail recipient (email transmitted; column 4, lines 24-34).

Regarding **claims 3 and 14**, Berstis discloses a method and apparatus wherein the preferred language is determined by querying a database of the system (user to request; column 4, lines 36-54 and column 6, lines 33-52).

Regarding **claims 4 and 15**, Berstis discloses a method and apparatus where the header information comprises character coding information based on the preferred language (column 5, lines 64 – column 6, line 4).

Regarding **claims 5 and 16**, Berstis discloses a method and apparatus wherein the character coding information comprises one or more of MIME-Version header field, a content type header field (figure 4, element 409 and column 7, lines 13- 18 with column 8, lines 17-23, a content transfer encoding field and a character set parameter of the content type header field (column 8, lines 57-65).

Regarding **claims 6 and 17**, Berstis discloses a method and apparatus wherein the electronic mail generation system is a part of a survey system (figure 2).

Regarding **claims 7 and 18**, Berstis discloses a method and apparatus wherein the electronic mail message is generated automatically in response to an event of the survey system (figure 2, element 220C and column 6, lines 5-31 with column 8, lines 20-22).

Regarding **claims 8 and 19**, Berstis discloses a method and apparatus wherein the recipient is expressed in a manner dependent on the preferred language (desired language; column 4, lines 24-34 with column 8, lines 20-22).

Regarding **claims 9 and 20**, Berstis discloses a method and apparatus further comprising sending the electronic mail message to the recipient expressed in the language manner (transmitting email; column 4, lines 24-54).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 10-11 and 21-22** are rejected under 35 U.S.C. 103(a) as being unpatentable over Berstis in view of Crapo (US PG PUB 2004/0064371).

Regarding **claims 10 and 21**, Berstis discloses a language sensitive electronic mail generation, but lacks the method and apparatus further comprising determining a culturally appropriate salutation for the recipient based on the preferred language.

Crapo discloses an on-line registration system and method further comprising determining a culturally appropriate salutation for the recipient based on the preferred language (column 8, paragraph 0066), to verify identity.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Berstis's method and apparatus wherein it further comprises determining a culturally appropriate salutation for the recipient based

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on the preferred language, as taught by Crapo, to provide sex/marital indicative titles, which helps to verify identity (column 8, paragraph 0068).

Regarding **claims 11 and 22**, Berstis discloses a language sensitive electronic mail generation, but lacks constructing the culturally appropriate salutation based on the recipient's name and the preferred language and writing to a body of the electronic mail message the culturally appropriate salutation.

Crapo discloses an on-line registration system and method further comprising:
constructing the culturally appropriate salutation based on the recipient's name (first, middle and last name) and the preferred language (preferred language; column 8, paragraph 0066); and

writing to a body of the electronic mail message the culturally appropriate salutation (e-mail message; column 8, paragraph 0070), to verify identity.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Berstis's method and apparatus comprising constructing the culturally appropriate salutation based on the recipient's name and the preferred language and writing to a body of the electronic mail message the culturally appropriate salutation, as taught by Crapo, to provide sex/marital indicative titles, in the preferred language, which helps to verify identity (column 8, paragraph 0068).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

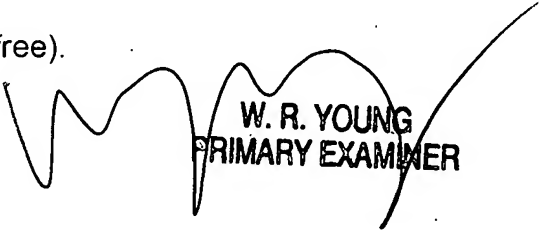
- Padmanabhan et al. (USPN 6,219,638) disclose a telephone messaging and editing system.
- Chong et al. (USPN 5,535,120) disclose a machine translation and telecommunications system using user ID data to select dictionaries.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jakieda R. Jackson whose telephone number is 571.272.7619. The examiner can normally be reached on Monday through Friday from 7:30 a.m. to 5:00p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571.272.7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JRJ
December 4, 2005


W. R. YOUNG
PRIMARY EXAMINER